

The Madison County Board of Zoning Appeals met on the above date at 9:00 A.M. with, Mary Jane Baker, Chairman, presiding.

Members Present: Mary Jane Baker, Bill Maxwell, Rick Durham, Albert Stewart and Bill Hobbs.

Members Absent: None

Also Present: Gerald Shine, Jr., Attorney, Judy King, Plan Reviewer, and Beverly Guignet, Secretary.

## **CURRENT BUSINESS**

1. Roll call was taken with all members were present.
2. The minutes of the preceding meetings were distributed to each member prior to the meeting. Member Durham made a motion to approve the minutes as corrected. Member Hobbs seconded the motion. The vote was unanimous in favor of the motion.

Mr. Shine informed the Board, Cory Wilson, Director has submitted his written resignation to the Plan Commission.

Mr. Shine stated he has had conversation with several of the Plan Commission Members and at the next Plan Commission meeting I believe they are going to recommend that Member Maxwell will be appointed as Interim Director. Member Maxwell has reclused himself from the BZA Board in order to make the presentations today.

Member Maxwell was appointed by the BZA by the Plan Commission and the Plan Commission at their next meeting will appoint an alternate Member to serve on the BZA in his place as long as he serves as the Interim Director.

## **New Business**

1. **Petition: 2010-V-004 Variance Zoning: AG**  
Address: 6129 West 100 North, Anderson  
Location: South side of 100 North, just west of 600 West  
Petitioner: Dennis Hayes  
Request: Variance of Development Standards to provide for the construction of a 2,944 square foot accessory structure located 15 feet from the side property line (minimum 25 foot side setback required).

Interim Director Maxwell stated proper notification was given. The petitioners are requesting a variance of ten feet.

Interim Director Maxwell gave the following staff report:

- ◇ The subject site is a 1.93-acre parcel located in the Hamilton Place subdivision; at the intersection of CR 600 West and CR 100 North. The property is zoned conservation residential (CR) with the comprehensive plan recommending low to medium density residential development for this area. This request would provide for the construction of a 2,994 square foot accessory structure located 15 feet from the side (west) property line.
- ◇ The petitioner has indicated that he intends to demolish an existing 576 square foot detached garage and construct a 2,994 square foot pole barn in the same location. A site inspection indicated that a development pattern similar to this request already exists in this area/subdivision. The properties to the east and west each contain a number of accessory structures and uses that are within 25 feet of the side property lines.

### **FINDINGS OF FACT**

1. *Would the approval be injurious to the public health, safety, morals, and general welfare of the community?* No, the structure is fully contained on the petitioner's lot and would be constructed at the same distance from the west property line as an existing structure.
2. *Will the requirements and development standards set forth in the district for such exception be met?* No, the pole barn would be closer to the west (side) property line than permitted by the Ordinance; however, a development pattern clearly exists in the neighborhood with a number of accessory structures constructed within the 25-foot side setback.
3. *Will the proposed use subvert and permanently injure other property or uses in the same district and vicinity?* No. The pole barn would still be 15 feet from the west (side) property line and would pose no threat to neighboring structures.
4. *Will the proposed use be consistent with the character of the zoning district and the Comprehensive (Comp) Plan?* Yes, the pole barn's location would be consistent with other structures in the subdivision.

Dennis Hayes, 6129 W 100N was present representing this petition.

Mr. Hayes told the Board he is tearing down the old garage and replacing it with a pole barn. The barn will be used for storage only. There will be no business or living quarters in the barn. Because of the layout of the property this is the best place to place the barn but they will put it closer than what is allowed. That is the reason for the variance request.

There were no remonstrators present.

Member Hobbs made a motion to approve Petition #2010-V-004 with the stipulations; it shall not be used as a business or living quarters. Per staff recommendations and the following Findings of Fact: It would not be injurious to the public health, safety, morals, general welfare. The development pattern clearly exist in the neighborhood, the proposed use would not permanently injury property or uses in the same districts and vicinity and would be consistent with the character of the zoning district and Comprehensive Plan.

Member Stewart seconded the motion. **Petition #2010-V-004 was approved.**

The vote was unanimous in favor of the motion. **Petition #2010-V-004 was approved.**

**2. Petition: 2010-SU-004 Special Use Zoning: R-2**

Address: 3770 Chisholm Drive, Anderson

Location: N side of 100 North approximately ¼ mile W of 300 East

Petitioner: Greg Mason

Request: Special Use to provide for an addition to an existing Single-family dwelling resulting in a two-family dwelling (duplex not permitted in R2)

Greg Mason, 3770 Chisholm Drive was present representing this petition.

Interim Director Maxwell informed the Board proper legal notification was not given so as a result this should be tabled and heard at the next meeting.

There were no remonstrators present.

Member Hobbs made a motion to table Petition #2010-SU-004 due to advertising difficulties and shall be heard at the next meeting.

Member Durham seconded the motion.

The vote was unanimous in favor of the motion. **Petition #2010-SU-004 has been tabled.**

Mr. Shine informed the Board that he and Member Maxwell had conversation with Mr. Mason prior to this being called and he had been advised of the problem and that this would be tabled.

Mr. Shine and Member Maxwell will meet with Mr. Manson because of staff recommendation for denial and try and work on some of the issues prior to the next meeting.

3. Miscellaneous – Mr. Shine told the Board there is an unofficial member that has been very much a part of the BZA. Beverly after 36 years of service is retiring at the end of the month and moving out of state with her family. For the years I have worked with her she has been fantastic help and assistance and knowledge. I would like to give my sincere thanks to Bev for everything that she has done for not only the Planning Commission, Board of Zoning Appeals but also to the citizens of Madison County.

I, Beverly Guignet, would like thank everyone; it has been a great pleasure.

Member Durham made a motion, seconded by Member Stewart to adjourn. The vote was unanimous in favor of the motion.

Adjournment: 9:21:43 A.M.

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Mary Jane Baker, Chairmen

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Beverly Guignet, Secretary